

Bazan, Rebecca

From: Nicholas Migliaccio <nmigliaccio@classlawdc.com>
Sent: Thursday, December 2, 2021 8:10 PM
To: Bonner, Kelly
Cc: Bazan, Rebecca; Lotman, Alyson Walker; Dorner, Drew T.; Pugh, Lauren; Mark Patronella
Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Hi Kelly,

We are planning to withdraw him.

Thank you,

Nick

From: Bonner, Kelly <KABonner@duanemorris.com>
Sent: Wednesday, December 1, 2021 10:07 AM
To: Nicholas Migliaccio <nmigliaccio@classlawdc.com>
Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>
Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Good morning Nick,

I'm writing to follow up on my emails regarding Mr. Berkson's deposition.

Please confirm whether Plaintiffs have determined to withdraw Mr. Berkson as a proposed class representative based on his inability to meet Plaintiffs' threshold definition for medical monitoring class membership in the Third Amended Complaint. If so, we can withdraw his deposition from the calendar.

Alternatively, please provide us with dates for Mr. Berkson's availability for deposition for next week by close of business tomorrow.

Thank you,
Kelly

Kelly A. Bonner
Associate

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From: Nicholas Migliaccio <nmigliaccio@classlawdc.com>

Sent: Saturday, November 27, 2021 10:46 AM

To: Bonner, Kelly <KABonner@duanemorris.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Hi Kelly,

We are fine to postpone Mr. Berkson's deposition until the week of Dec. 6 for the time being.

Best,

Nick

From: Bonner, Kelly <KABonner@duanemorris.com>

Sent: Wednesday, November 24, 2021 1:33 PM

To: Nicholas Migliaccio <nmigliaccio@classlawdc.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Good afternoon Nick,

I hope all is well. I'm writing to follow up on my email from Friday regarding Mr. Berkson's deposition.

While Plaintiffs determine whether to withdraw Mr. Berkson as a proposed class representative for not meeting Plaintiffs' threshold definition for medical monitoring class membership, we think it makes sense to postpone Mr. Berkson's deposition until the week of December 6, 2021 in the interim.

Please let us know whether Plaintiffs consent, and if so, advise as to which dates and times work best.

Thanks,
Kelly

Kelly A. Bonner

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From: Bonner, Kelly

Sent: Friday, November 19, 2021 6:19 PM

To: 'Nicholas Migliaccio' <nmigliaccio@classlawdc.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner,

Drew T. <dtdorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; 'Mark Patronella'
<mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Dear Nick,

Thank you for your email.

Based on our review of Mr. Berkson's records, we note that while Mr. Berkson consumed quite a bit of valsartan, he only had one fill of at-issue (Solco) recalled valsartan, identified below:

Date	NDC	Quantity
12/30/2017	43547-0313-09	30

That NDC is for 160mg of valsartan. The remainder of Mr. Berkson's valsartan was from MacLeods (not recalled). I've attached the relevant records for your review.

According to Plaintiffs' Consolidated Third Amended Medical Monitoring Class Action Complaint filed on November 1, 2021 (ECF No. 1709), to qualify for the medical monitoring classes, a plaintiff needs to have "consumed a sufficiently high Lifetime Cumulative Threshold" of nitrosamine, which Plaintiffs define as at least "six (6) months of ZHP API OR 32 months of Hetero API, OR 108 months of Mylan and/or Aurobindo API" at a 160mg dosage. *See* Consol. Third Amend. Compl. ¶ 541 (attached).

Since Mr. Berkson does not meet Plaintiffs' threshold definition for medical monitoring class membership, please advise if Plaintiffs are willing to withdraw Mr. Berkson as a proposed class representative, and if so, we can withdraw the deposition from the calendar.

While Plaintiffs examine this issue, we would request that Mr. Berkson's deposition be postponed and rescheduled to the week of December 6, 2021, if necessary.

Please let me know if you have any questions or wish to discuss.

Thanks,
Kelly

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From: Bonner, Kelly

Sent: Friday, November 19, 2021 6:15 PM

To: 'Nicholas Migliaccio' <nmigliaccio@classlawdc.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <dtdorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

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Since Mr. Berkson does not meet Plaintiffs' threshold definition for medical monitoring class membership, please advise if Plaintiffs are willing to withdraw Mr. Berkson as a proposed class representative, and if so, we can withdraw the deposition from the calendar.

While Plaintiffs examine this issue, we would request that Mr. Berkson's deposition be postponed and rescheduled to the week of December 6, 2021, if necessary.

Please let me know if you have any questions or wish to discuss.

Thanks,
Kelly

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From: Nicholas Migliaccio <nmigliaccio@classlawdc.com>

Sent: Thursday, November 18, 2021 11:24 AM

To: Bonner, Kelly <KABonner@duanemorris.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Hi Kelly,

I wanted to check in on the status of the records productions so that we can see whether we are proceeding on 12/2.

Best,

Nick

From: Bonner, Kelly <KABonner@duanemorris.com>

Sent: Thursday, October 21, 2021 12:49 PM

To: Nicholas Migliaccio <nmigliaccio@classlawdc.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: Re: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Hi Nick - that works for us. We'll calendar the Berkson deposition for 12/2 and aim to touch base about records on or about 11/18.

Thanks,
Kelly

Sent from my iPhone

On Oct 21, 2021, at 12:46 PM, Nicholas Migliaccio <nmigliaccio@classlawdc.com> wrote:

Kelly,

Thank you. Thursday, December 2 works for us. Why don't we touch base two weeks out (on or before November 18) to see if you are on track to have all of the necessary records. I believe we have returned all of the necessary authorizations and let me know if that is not the case.

Best,

Nick

Nicholas A. Migliaccio
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From: Bonner, Kelly <KABonner@duanemorris.com>

Sent: Wednesday, October 20, 2021 7:28 PM

To: Nicholas Migliaccio <nmigliaccio@classlawdc.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren

<LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Hi Nick,

Thank you for your response.

As to whether we think we will have all of Mr. Berkson's necessary records by the week of November 29, the Court's deadline to complete the depositions of the additional class representatives is December 3, 2021, i.e. that Friday. We will need Mr. Berkson's health records to conduct the deposition. But given the Court's current deadline, we would like to get Mr. Berkson's deposition at least calendared so we can try to allow enough time to obtain those records.

If we do not have the necessary records in time for a deposition the week of November 29, we can reassess at that point.

Thanks,
Kelly

Kelly A. Bonner

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From: Nicholas Migliaccio <nmigliaccio@classlawdc.com>

Sent: Wednesday, October 20, 2021 12:32 PM

To: Bonner, Kelly <KABonner@duanemorris.com>

Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker <ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren <LPugh@duanemorris.com>; Mark Patronella <mpatronella@classlawdc.com>

Subject: RE: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Kelly,

Thank you for reaching out and it will be likely me who will be representing Mr. Berkson for the deposition. I will check on dates and report back. Do you think you will have all of the necessary records by that week? I know we recently returned the records authorizations.

Best,

Nick

Nicholas A. Migliaccio
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From: Bonner, Kelly <KABonner@duanemorris.com>
Sent: Wednesday, October 20, 2021 12:21 PM
To: Nicholas Migliaccio <nmigliaccio@classlawdc.com>
Cc: Bazan, Rebecca <REBazan@duanemorris.com>; Lotman, Alyson Walker
<ALotman@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Pugh, Lauren
<LPugh@duanemorris.com>
Subject: In re: Valsartan Prods. Liab. Litig., No. 1:19-md-2875-RBK, Deposition Dates for Kenneth Berkson

Dear Mr. Migliaccio,

My name is Kelly Bonner and together with my colleagues, I represent the ZHP Parties in connection with the above-referenced litigation.

I'm planning to take the deposition of Kenneth Berkson, whom I understand from his Medical Monitoring Class Plaintiff's Fact Sheet you represent. I'm proposing the week of November 29th for this deposition—preferably any day save November 30. Please advise whether a date that week will work and who will be representing Mr. Berkson for this deposition.

Thank you,
Kelly

<image001.jpg>

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For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

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